

RICHARD BROOKINS.

JANUARY 8, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

MR. KIRKPATRICK, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 1690.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1690) granting a pension to Richard Brookins, having considered the same, respectfully adopt the report of the Senate Committee on Pensions, and recommend the passage of the bill after being amended as follows:

In line 5, after the word "month," insert the words "subject to the provisions and limitations of the pension laws."

Strike out after the word "Cavalry," in line 7, "from February fifth, eighteen hundred and sixty-seven, to February fifth, eighteen hundred and seventy-two, and from January second, eighteen hundred and eighty-two, to January third, eighteen hundred and eighty-seven."

Also, strike out all the printed bill after the word "Colored," in line 13, and insert in lieu thereof the word "Infantry."

[Senate Report No. 1056, Fifty-fourth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1690) granting a pension to Richard Brookins, have considered the same and submit the following report:

Richard Brookins was enlisted on the 5th day of February, 1867, and was assigned to Company M, Ninth United States Cavalry. He was discharged on the 5th day of February, 1872, by expiration of term of service.

He enlisted again on the 12th day of January, 1882, and was assigned to Company H, Ninth United States Cavalry. He was discharged on the 3d day of January, 1887, at Fort McKinney, Wyo., on surgeon's certificate of disability, being unfit for duty because of chronic rheumatism.

E. D. Dimmick, captain of Company H, Ninth United States Cavalry Volunteers, who recommended the discharge of said soldier, stated that he was disabled by "chronic rheumatism contracted in the line of duty. Said soldier has been more or less unfit for duty for the past year. Has been unfit for duty for the last sixty days."

D. Weisel, acting assistant surgeon United States Army, at Fort McKinney, Wyo., states in the certificate of disability that said soldier was unfit for duty because of "chronic rheumatism of unknown duration, certainly two months, affecting more particularly the lower extremities, believed to have originated in the line of duty. Degree of disability, total."

On the 17th day of April, 1880, Mr. Brookins filed an application for pension, in which he alleged that while scouting about the 10th of May, 1871, his leg was injured by his horse falling with him, jamming his carbine against his leg. He was rejected because of his inability to prove his case.

On the 2d day of May, 1887, he filed another application for pension, in which he alleged that in June, 1884, by exposure he contracted rheumatism, and that the disease was aggravated by subsequent exposure until he became totally disabled. On the 21st day of August, 1888, he filed an affidavit, in which he claimed pension on account of disability from asthma and disease of breast. The claims were rejected by the honorable Commissioner on the ground that the claimant had sustained no ratable disability.

On the 28th day of July, 1890, Mr. Brookins filed an application for pension under the act of June 27, 1890. He based this application upon service rendered under the name of Dick Spencer in Company K, One hundred and twenty-third Regiment of United States Colored Troops, from October 12, 1864, to October 16, 1865. In this application he alleged that he was permanently disabled by reason of rheumatism and general debility.

This claim was also rejected on the ground that there was no ratable disability.

The various examining boards who have examined the soldier have found that he was afflicted with rheumatism in a ratable degree, and there is considerable medical and lay testimony on file to show that the claimant had been severely disabled for many years past, and that he has rheumatism and sciatica so badly in his hips and legs as to wholly incapacitate him for the performance of manual labor.

The statement of the captain of his company as officially made and the report of the acting assistant surgeon as to the soldier's physical condition are conclusive that he did suffer from chronic rheumatism, and that the disability was contracted while in the service.

There can be no doubt of the fact that the soldier did contract chronic rheumatism while in the service, and it only remains to determine whether he is disabled to a pensionable degree or not. The evidence of his comrades, the evidence of physicians who have examined him, and the statements officially made by the various examining boards are conclusive that the soldier is disabled from performing manual labor by reason of the severe attacks of rheumatism.

The evidence shows without question that the disability has increased until now he is unable to earn a support by manual labor. This colored man is absolutely without means of support except what he could earn by his daily toil, but being incapacitated by reason of his disability he is dependent upon the charity of friends and neighbors. The object of this bill is to pension him at the rate of \$12 per month because of his disability. In consideration of the evidence submitted, both medical and lay, and because of the eleven years' faithful service rendered by this man, your committee are of the opinion that he is entitled to a pension, and that the rate stipulated in the bill is proper and just. We therefore recommend the passage of the bill without amendment.